IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 3297 OF 2007

Vikram Alias Pintya Kondiba Rakhpasre ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Ketan A.Chothani, Advocate for the applicant.

Mr K.V.Saste, A.P.P for the respondent.

CORAM: V.C. DAGA,J.
DATED: 15.10.2007.

P.C.

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused the application and the material available on record.

3. The applicant-original accused arrested in C. R. No. 37 of 2007, registered with Loni Kalbhor Police Station, Pune for the offence under Section 302, 323 452,427, 504 of the I.P.C., is seeking bail under Section 439 of the Cr.P.C.

4. Here, I may mention that the observations made by learned Sessions Judge, Pune in para 7 of the order dated 3.8.2007, while rejecting application for bail, reads as under:-

"Perused the F.I.R.,the statements of

witnesses as recorded by the police as well as the fact that the instrument is recovered at the instance of accused. It appears to me that there are reasonable grounds to believe that the accused is involved in offence punishable with death or imprisonment for life. The arguments raised for the accused at this stage do not have substance. Looking to the investigation at this stage, there is material against accused. There is substance in the argument of the learned Additional Public Prosecutor and say Exh.6 that accused appears to be hot tempered looking to his reaction to a petty incident and that accused is residing nearby where eye witnesses reside and thus if ball is granted he may pressurise the prosecution witnesses. I do not think that this is a fit case to grant bail."

5. Looking to the material available on record to connect the present applicant with the alleged offence and for the reasons recorded by the Sessions Judge, Pune,in its order dated 3.8.2007 in B.A.No. 1349 of 2007 which still hold gold, this is not a fit case to enlarge the applicant on bail.

6. In the result, the present application stands rejected.

7. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C.DAGA,J)